

APPROVED: Meeting No. 41-87

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 27-87

May 26, 1987

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Tuesday, May 26, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abram

Councilman James Coyle

Councilman Douglas Duncan

Councilman Peter Hartogensis

The Mayor in the Chair.

In attendance: City Manager Richard V. Robinson, City Clerk Carol A. Kachadoorian, and City Attorney Paul Glasgow.

Re: Invocation

The invocation was provided by Sima Osdoby.

Re: City Manager's Report

City Manager Richard Robinson reported the following:

1. The Government Finance Officers Association has reviewed the City's comprehensive annual financial report for the fiscal year ending June 30, 1986 and has judged that it is qualified to receive a certificate of achievement for excellence in governmental reporting. This is the highest reward that GFOA grants and we are very pleased to have received these certificates.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. Mayor Van Grack recognized staff for the excellent job they did on the

Memorial Day activities.

2. The City has received a letter from the Maryland Department of Transportation regarding two projects that are underway. First is a third lane on Route 355 and pedestrian refuse islands and second, is a study of Route 355 from I 495 to Shady Grove Road with respect to the needs of Rockville Pike.

3. Dana Presberry, Human Rights Officer for the City, has resigned as of July 21, 1987. Mayor Van Grack read the following statement issued by Mr. Presberry.

"During the course of my employment with the City of Rockville, certain matters arose between myself and the City which I construed at that time to be discriminatory and which resulted in my filing discrimination complaints against the City with its Human Rights Commission. All of these matters have since been clarified. I have now voluntarily, and on my own initiative, withdrawn all complaints against the City. I have also decided that it is in my best interests to resign my position with the City and pursue my professional career elsewhere.

I sincerely believe that the Mayor and Council of Rockville and the City Manager are fully committed to the spirit and interest of human rights, equal opportunity, and affirmative action in the City government workplace and the City of Rockville overall."

4. Staff has requested to consider an appropriate way to recognize a former Rockville resident who recently passed away, Clarence "Pint" Israel. Mr. Israel was from the black community in Rockville and was very much involved with sports activities and the youths of the City.

Re: Appointments

Mayor Van Grack, with the confirmation of Council, made the following appointments:

Alternative Community Service Commission - Ann Williams - Alternate - 2 year term
1009 Baltimore Road

Science and Technology Commission - Jerry Poje - 3 year term
733 Beall Avenue

Cultural Arts Commission - Beverly Nelson - Reappoint - 2 year term
Ellie Chamberlin - Reappoint - 2 year term

Sign Review Board - Doug Worthing - Reappoint - 3 year term

Human Rights Commission - Michael Taff - Reappoint - Chairman - 1 year term

Board of Supervisors of Elections - Alice Lyons
18 Starlight Court

Ray Sherbill
1409 Stratton Drive

Maurice Ward
641 Crocus Drive

Paula Porpilia
319 Charles Street

2 year terms

Recreation and Parks Advisory Board - Stephen Edwards - Reappoint - 2 year term

Traffic and Transportation Commission - Andy Johnson - Reappoint - 2 year term

Re: Citizen's Forum

Mayor Van Grack opened the meeting to those citizens wishing to address the Mayor and Council.

1. Ruth Loevinger, 12 Lakeside Overlook, notes a recent article in an issue of U.S.A. Today regarding Zade Eldada, a Rockville High School Student who was recognized in the newspaper for outstanding schoolastic achievement. In addition, Ms. Loevinger asked the Mayor and Council to consider a capital improvement project that would provide for work to be done on Baltimore Road between Twinbrook Parkway and Rockville High School. She noted that there are no shoulders next to the road in this segment and that it is a road "waiting for trouble". Mayor Van Grack asked the City Manager to contact Lade Eldada so that the City might recognize him. In addition, he asked the City Engineer take a look at the segment of Baltimore Road that Ms. Loevinger spoke on.

Re: Consent Agenda

Councilman Hartogensis asked that agenda item 4A be removed.

Re: Introduction of Resolution to establish a new fee schedule for permits required under Amusements and Vendors Regulations Ordinance.

On motion of Council Duncan, duly seconded and unanimously passed, there was introduced upon the table a resolution to establish a new fee schedule for permits required under Amusements and Vendors Regulations Ordinance, said resolution to lay over for at least one week.

Re: Introduction of Resolution to enlarge the corporate boundaries of the City of Rockville to include 10.59 acres, more or less, at the northeast quadrant of the intersection of Scott Drive and Wescott Place, X-101-87, Chris Ecker, Anne Browne and Construction Group, Inc., Applicants.

On motion of Councilman Duncan, there was introduced upon the table a resolution to enlarge the corporate boundaries of the City of Rockville to include 10.59 acres, more or less, at the northeast quadrant of the intersection of Scott Drive and Wescott Place, said resolution to lay over for at least one week.

Re: Adoption of Resolution to set hearing date and provide public notice for Annexation Petition, X-101-87, Chris Ecker, Anne Brown and Construction Group, Inc., Applicants.

Resolution No. 12-87

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 12-87, the full text of which can be found in Resolution Book 8 of the Mayor and Council, setting the hearing date for annexation petition X-101-87, for September 26, 1987, was adopted by the Mayor and Council.

May 26, 1987

Re: Introduction of Ordinance to amend Chapter 27 of the "Laws of Rockville" entitled "Amusements and Vendors Regulations" by adding a new section 2-804 and renumbering existing section 2-804 and subsequent section to prohibit certain conduct and activities at carnivals.

Councilman Hartogensis expressed concern that the penalty for committing fraud was too weak at \$100.00. Councilman Hartogensis asked the City Attorney if it is impossible to impose a penalty of up to \$500.00 for this offense. City Attorney Glasgow stated that he will check to see what provisions the law currently has and if it is possible to amend the ordinance to provide for a higher amount.

Councilman Abrams suggested that the language of the ordinance be amended so as to say that the maximum penalty permissible by law be imposed. The motion by Councilman Abrams to amend the language of the ordinance was duly seconded and unanimously passed.

On motion of Councilman Abrams, there was introduced upon the table, a Resolution to amend Chapter 27 of the "Laws of Rockville" entitled "Amusements and Vendors Regulations" by adding a new section 2-804 and renumbering existing section 2-804 and subsequent sections to prohibit certain conduct and activities at carnivals, said resolution to lay over for at least one week.

Re: Public Hearing: Proposed FY 1988 Operating Budget and Capital Improvement Plan

The Mayor and Council conducted a public hearing on the proposed 1988 operating budget and capital improvement plan. The Mayor and Council heard those persons as can be found in the official stenographic transcript. There being no other persons wishing to be heard, the Mayor declared the hearing closed and the record to be held open until June 3rd at 5:00 p.m.

May 26, 1987

Re: Public Hearing: Map
Amendment Application, M-49-
87, Peter & Mayda C.
Tsaknis, 14 Beall Avenue,
Applicant.

The Mayor and Council conducted a public hearing on Map Amendment Application M-49-87. The Mayor and Council heard those person as can be found in the official stenographic transcript. There being no other persons wishing to be heard, the Mayor declared the hearing closed and the record to be held open for 30 days.

Re: Public Hearing: Street
Closing Abandonmnet
Application, SCA-52-87,
Tower-Dawson Limited
Partnership, c/o Albert
Abramson, 11501 Huff Court,
North Bethesda, Applicant
(westerly side of Monroe
Street)

The Mayor and Council conducted a public hearing on Street Closing Abandonment Application, SCA-52-87. The Mayor and Council heard those persons as can be found in the official stenographic transcript. There being no other persons wishing to be heard, the Mayor declared the hearing closed and the record to be held open for two weeks.

Re: Public Hearing: Temporary
Use Permit (Carnival)

The Mayor and Council conducted a public hearing on Temporary Use Permit for Carnivals. The Mayor and Council heard those persons as can be found in the official stenographic transcript. There being no other persons wishing to be heard, the Mayor declared the hearing closed and the record to be held open until Monday, June 1, 1987, at 5:00 p.m.

Re: Adoption of Ordinance to amend Section 3-2.07 of the "Laws of Rockville" so as to replace the Director of Finance with the Personnel Officer as the Executive Secretary to the City's Retirement and Disability Board.

Ordinance No. 8-87

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 8-87, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, replacing the Director of Finance with the Personnel Officer as the Executive Secretary to the City's Retirement and Disability Board, was adopted by the Mayor and Council.

Re: FYI/Correspondence

Councilman Coyle expressed his concern that there were no former City Mayors present at the Memorial Day Parade. Greg Baylor, Director of Recreation and Parks, advised the Mayor and Council that a number of former Mayors were invited to the parade by letter.

Re: Other Business

1. The following bid was placed under New Business for consideration of the Mayor and Council:

Re: Invitation for
Bid #74-87 - Award

Invitation for providing and planting trees on City property were mailed to nine landscape contractors and two bid publications services. One bid was received.

C & C Farms, Inc. \$22,996.00

Included in this total is \$13,505.00 for 73 Whitehouse Pears which are being purchased to replace the Bradford Pears, and which are difficult to locate in this quantity and impact on the number of contractors able to bid. The prices for the

several other trees, as well as the unit price for the Whitehouse Pears, are fair and reasonable when compared with those offered by several other contractors.

\$19,500 is in Division 1670 with the balance being in Division 2410.

It is recommended that the award be given to C & C Farms, Inc. in the amount of \$22,996.00

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid #74-87 was awarded to C & C Farms, Inc. in the amount of \$22,996.00.

2. Councilman Duncan asked that discussion of the contract with Curry Associates be placed on the agenda for consideration on June 1, 1987 so that the Mayor and Council may have additional time to review the contract.

3. Councilman Abrams asked that discussion of the New Horizon Task Force Report be placed on the agenda for June 8, 1987.

4. Councilman Duncan provided the Mayor and Council with suggested testimony for the school board hearing that will be held on May 27, 1987. Councilman Duncan moved that the City not take a position and will support what the Board of Education comes up with. The motion was duly seconded and the vote was four to one. Councilman Hartogensis stated his view that the City not provide additional testimony to the Board of Education, but rather stand on the letter already submitted to the Board.

The Mayor and Council discussed amendments to the testimony proposed by Councilman Duncan, however, the final vote on the testimony, as amended by the Mayor and Council, was unanimous.

On motion of Councilman Hartogensis, duly seconded, the Mayor and Council approved sending the letter to the Board of Education as amended, with Councilman Coyle and Councilman Duncan voting against.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at 2:00 p.m. to convene again in work session on Monday, June 1, 1987, at 7:30 p.m. or at the call of the Mayor.